

REMARKS

Reconsideration of this application in light of the amendments and following remarks is respectfully requested.

I. Status of the Claims

Claims 1-4 were previously pending in the application.

Claim 1 has been amended to include all of the limitations of claim 2. No new matter has been added.

Claim 2 has been cancelled without prejudice or disclaimer of the subject matter therein.

Claims 5-8 were previously canceled without prejudice or disclaimer of the subject matter therein.

II. Rejections Under 35 U.S.C § 103

Claims 1, 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,057,046 to Tsuda et al. ("Tsuda") in view of the Examiner's statement of ordinary skill in the art. The Examiner states that the sintered alloy taught by Tsuda and the material of the present invention both contain beta-WC, Co, Ta carbonitride and Nb carbonitride. The Examiner contends that the ranges, by percent weight, of the cemented carbide claimed in the present application overlap that of the sintered alloy of Tsuda. Applicant respectfully traverses these rejections.

Claim 1 has been amended to include all of the elements of dependent claim 2. As discussed below, claim 2 is allowable because U.S. Patent No. 7,163,657 to Heinrich et al. ("Heinrich"), which was relied on by the Examiner to reject claim 2 in both the present Office Action and the previous Office Action, is not prior art to this application. Thus, amended claim 1 is in condition for allowance.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuda in view of Heinrich. Applicant respectfully traverses this rejection. Although this rejection is moot as to claim 2 because claim 2 has been cancelled, claim 1 has been amended to include all of the elements of claim 2.

Heinrich issued January 16, 2007, was previously published as U.S. 2005/0120825 on June 9, 2005, and has a filing date of December 3, 2003. Heinrich does not claim priority to any earlier filed applications.

The priority dates of the present application are June 11, 2004 to the PCT application (PCT/JP04/008557) and June 13, 2003 to the Japanese Application (JP 2003-169962). Based on the above dates, Heinrich is prior art only under 35 U.S.C. § 102(e). Further, based on the Japanese priority filing, Heinrich is disqualified as prior art.

Applicant submits herewith a certified literal English translation of the Japanese priority document along with a Certificate of Accuracy of Translation as specified in 37 C.F.R. § 1.55. The translation and certification of the priority document are attached hereto as Exhibit A.

Applicant respectfully submits that Heinrich is not prior art to this application and that Tsuda does not teach or suggest all the elements of claim 2. Thus, Applicant submits that amended claim 1, which contains all of the elements of claim 2, is in condition for allowance.

Moreover, Applicant submits that claims 3-4 are allowable at least by reason of dependency upon an allowable base claim because they are dependent upon claim 1.

In light of the foregoing, the cited references fail to disclose, teach, or suggest the features of the claimed invention. Consequently, Applicant submits that the present invention is both novel and inventive over the cited references and respectfully requests that the rejections be withdrawn.

CONCLUSION

In view of the foregoing arguments and claim amendments, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment. In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

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